

**From:** William Affleck-Asch  
**To:** Microsoft ATR  
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In regards to the proposed final settlement of the US v Microsoft case, I believe that I may have some relevant points to make, both as a long-time investor and as someone who has worked with (and for) Microsoft.

Please note that I live in the Seattle area and through investments in Microsoft owe the establishment and ownership of my first house. I worked for one of the direct contractors of Microsoft, and have been a Microsoft Certified Professional and many of my friends and neighbors work for or have worked for them.

In my opinion, the current final settlement is unworkable. Microsoft is unlikely to abide by the constraints in terms of business practices, as in the tech industry it is easier to use legal loopholes or gray areas to attack one's opponents and crush them at the early stages of marketing, than to play totally by the book. Historically, this has been one of Microsoft's chief tactics, and it is unlikely that their behavior would be changed under this final solution.

The main problem that I see is that the tech oversight committee is toothless. Without the ability to delay or force immediate (90 day or less) remedies, they would be a reactive committee that could only admonish Microsoft, and by the time anything would occur, Microsoft would have succeeded in demolishing their opponent in a tech sphere.

The second, and perhaps most egregious, problem is that the offer to provide Microsoft software and hardware to public schools would have the unintended effect of increasing Microsoft's profitability and ability to dominate the software market, particularly in terms of education. This could be easily remedied by requiring Microsoft to donate the \$1 billion with no strings tied as to the hardware or software chosen. In fact, it would be preferable for Microsoft to basically write a blank check, by having a form where one chose between PCs and Operating Systems - where one could choose to receive a Microsoft software bundle at the educational discount rate (e.g. WinXP plus OfficeXP for \$100) or a similar solution from a Linux provider (since they admit this is their competition - and since I have read that Red Hat will provide a similar solution for free). It also should be vendor neutral in terms of what networking solutions are required - for many schools it is the server software and hubs, routers, and gateways that cost the most.

Beyond this, however, my only point is that Microsoft maintains its dominance in PC OS market primarily through the use of continual changes to standards and protocols - a requirement to fully and quickly publish any such documents and specifications and do so at no or minimal charges would be the easiest way to bring back competition in this sphere.

Sincerely,

Will Affleck-Asch

current member of the B.F. Day school PTSA in Seattle

current member of the 43rd District Democrats - currently serving as their Secretary, but not speaking for them

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